IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 26th day of Aug., 2003.

Criminal Misc. II Bail Application of the No.677 of 2003 .

Order on the Bail Application of the accused/ applicant.

CRIMINAL SIDE

Harbans Singh S/o Bachan Singh,
R/o Mohalla Hathi Khana Ward No.11,
Kichha, P.S.-Kichha, District-Udham Singh Nagar ..... Applicant.

Versus

State of Uttaranchal ..... Opp. Party

Arising out of Case Crime No.197 of 2002,
Under Sections 147,148,149,302 I.P.C.
Police Station - Kichha,
District-Udham Singh Nagar.

By the Court

Hon'ble P.C .Verma, J.

Heard learned counsel for the applicant as well as learned Government Advocate.

The applicant is facing prosecution under under Section 302 I.P.C. Charge sheet has been submitted to the Sessions but after committal no charge has been framed yet. The applicant is in custody from last 17 months. The learned counsel for the applicant submits that speedy trial is fundamental right of the applicant. Once the trial is delayed the fundamental right of the applicant is violated. Therefore, on account of the delay in trial, the applicant may be released on bail.

Without expressing any opinion on merit and having considered the facts and circumstances of the case, it is provided that let the applicant be released on bail on furnishing surety to the satisfaction of the Chief Judicial Magistrate concerned.

(P.C .Verma, J.)

26.08.2003
P.Singh